

REMARKS

Consideration and entry of this paper are respectfully requested in view of the herein remarks, which place the application in condition for allowance.

I. STATUS OF CLAIMS

Claims 16-20, 22-27, 29-34 and 37-42 are pending. Upon reviewing the application and allowed claims prior to paying the Issue Fee, it was discovered that the full range of disclaimers had not been entered into the claims.

Claims 16 and 20 are directed toward a method of controlling harmful plants in maize crops comprising applying an effective amount of an herbicidal combination which comprises of a synergistically effective amount of the compounds defined by (A) and (B). In light of EP 0 569 944, the disclaimer in section (c) of claims 16 and 20 should have also incorporated “rimsulfuron, 2,4-D, sulcotrione, thifensulfuron, flumetsulam”. (This reference was cited in the International Search Report and the English language equivalent (U.S. Patent 5,461,019) was marked as being considered by the Examiner in the signed IDS which accompanied the Office Action mailed on June 27, 2001)

Claims 24 and 37, which are directed toward the herbicidal compositions without regard to their intended use, should've have additionally disclaimed “linuron, 2,4-D, MCPA, thifensulfuron, rimsulfuron” in section (a) of claim 24 and “rimsulfuron, 2,4-D, sulcotrione, thifensulfuron, flumetsulam” in section (c) of claim 24. Claim 37 should have removed “thifensulfuron-methyl”. These changes are made in light of DE 2856260, WO 92/08353, EP 0 569 944 and EP 0 252 237 (The DE, WO and English language equivalent for EP 0 569 944 was considered by the Examiner in the signed IDS which accompanied the Office Action mailed on June 27, 2001. EP 0 252 237 was not considered by the Examiner, but was cited in the specification on page 6, line 2. An IDS has been concurrently submitted with this amendment which cites EP 0 252 237).

As the claims prior to this amendment were deemed to be allowable, it is submitted that the claims as amended remain patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. CLOSING

In view of the foregoing, consideration of this amendment is respectfully requested and favorable action is earnestly solicited.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By Howard C. Lee
Howard C. Lee
Registration No. 48,104
745 Fifth Avenue
New York, New York 10151
(212) 588-0800